

Veolia North America - Industrial Business

December, 2020

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MISCELLANEOUS UPDATES

- O. [ATF; Commerce in Explosives; 2020 Annual List of Explosive Materials; Notice of List of Explosive Materials](#)

A. Interim PFAS Destruction and Disposal Guidance; Notice of Availability for Public Comment

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 12/08/2020

Comments Due: 02/22/2021

Summary

The Environmental Protection Agency (EPA) has published new interim guidance on destroying and disposing of certain PFAS and PFAS-containing materials. The EPA is asking for public comment on the guidance document. The Interim Guidance is titled "Interim Guidance on the Destruction and Disposal of Perfluoroalkyl and Polyfluoroalkyl Substances and Materials Containing Perfluoroalkyl and Polyfluoroalkyl Substances." EPA will review the interim guidance at least every three years and revise it, as appropriate. EPA will accept comments on the Interim Guidance until February 22, 2021.

The new interim guidance outlines the current state of the science on techniques and treatments that may be used to destroy or dispose of PFAS and PFAS-containing materials from non-consumer products, including aqueous film-forming firefighting foam. The interim guidance document generally describes thermal treatment, landfill and underground injection technologies that may be effective in the destruction or disposal of PFAS and PFAS-containing materials.

The interim guidance addresses PFAS and PFAS-containing materials including:

1. Aqueous film-forming foam (for firefighting).
2. Soil and biosolids.
3. Textiles, other than consumer goods, treated with PFAS.
4. Spent filters, membranes, resins, granular carbon, and other waste from water treatment.
5. Landfill leachate containing PFAS.
6. Solid, liquid, or gas waste streams containing PFAS from facilities manufacturing or using PFAS.

Note: The interim guidance is not intended to address destruction and disposal of PFAS-containing consumer products, such as non-stick cookware and water-resistant clothing.

The interim guidance presents three destruction and disposal technologies that may be effective and are commercially available: thermal treatment (destruction), landfilling (disposal), and underground injection (disposal). Each technology is characterized in terms of the types of PFAS and PFAS-containing materials that typically can be handled, possible design and operating parameters, potentially relevant testing and monitoring methods, and costs, where relevant information is available. The EPA recognizes that the relative uncertainty associated with technologies' capabilities to control migration of PFAS to the environment is one of several factors that the public considers in determining how to destroy or dispose of PFAS-containing materials.

The EPA has considered whether interim storage, to wait for the uncertainties to be reduced, would be a viable option. The EPA also considered the cost and availability of destruction and disposal options, the type of waste materials, and the concentrations of PFAS in the waste.

The EPA has a goal of having the managers of PFAS-containing materials, the hazardous waste combustion facility, and the state to work together with EPA to develop and implement protocols for monitoring, emission testing, and data sharing.

The following existing destruction and disposal options are all being considered by the EPA and may be considered by managers of PFAS materials:

1. Interim Storage - Interim storage (estimated at 2 to 3 years) would be utilized until research reduces the uncertainties associated with other options.
2. Permitted deep well injection (Class I) - Underground injection would be limited to liquid-phase waste streams.
3. Permitted hazardous waste landfills (RCRA Subtitle C) - These have the most stringent environmental controls in place and higher potential capacity to manage the migration of PFAS into the environment.
4. Solid waste landfills (RCRA Subtitle D) that have composite liners and leachate collection and treatment systems. - These landfills receive non-hazardous waste and tend to have environmental controls commensurate with the waste they receive. These controls vary from state to state.
5. Hazardous waste combustors - This currently has a higher level of uncertainty. These would include commercial incinerators, cement kilns, and lightweight aggregate kilns, subject to the considerations outlined in the guidance.
6. Other thermal treatment - This also has a higher level of uncertainty. These thermal treatment technologies would include carbon reactivation units, sewage sludge incinerators, municipal waste combustors, and thermal oxidizers, subject to the considerations outlined in this guidance.

The interim guidance discusses the research that is needed. PFAS-containing waste can potentially be treated in several types of thermal treatment devices, including HWCs, MWCs and SSIs, and carbon reactivation furnaces, but further research is planned in order to gain a better understanding of what is possible in practice. Even within the same category of thermal treatment device, designs and operating conditions may vary across sources in a way that could affect PFAS treatment efficiency. Modern MSW landfills, when constructed with appropriate controls can also control the migration of PFAS into the environment. Research on the effects of PFAS on liner integrity, gaseous emissions from landfills, the effectiveness of leachate treatment for PFAS removal, and the levels and types of PFAS in landfill leachate, will help further evaluate this disposal method for PFAS and PFAS-containing wastes.

This interim guidance serves as a baseline of destruction and disposal capabilities and uncertainties. As required by the FY 2020 NDAA, it will be reviewed and, if appropriate, updated within the next 3 years to reflect EPA's and other organizations' research on improving EPA's understanding of current PFAS destruction and disposal technologies and developing new approaches. EPA will consider revising the guidance in less than 3 years if research results become available that would allow the Agency to issue more specific guidance on PFAS destruction and disposal.

The link below will allow you to view/print this Interim Guidance

<https://beta.regulations.gov/document/EPA-HQ-OLEM-2020-0527-0002>

Reference/Link

The link below will allow you to view/print this Notice of Availability for Public Comment

<https://www.govinfo.gov/content/pkg/FR-2020-12-22/pdf/2020-28376.pdf>

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B. Hazardous Waste Electronic Manifest System (“e-Manifest”) Advisory Board; Notice of Public Meeting

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 12/29/2021

Meeting Dates: 03/02/2021 - 03/04/2021

Summary

The Environmental Protection Agency (EPA) will convene the Hazardous Waste Electronic System (“e-Manifest”) Advisory Board for a three day virtual public meeting. The meeting will be held on March 2-4, 2021, from approximately 10:00 a.m. to 6:00 p.m. EST.

The purpose of this meeting is for EPA to seek the Board’s consultation and recommendations regarding the e-Manifest system. The theme of the meeting is “Looking Ahead: Setting e-Manifest Program Priorities and User Fees for FY2022 and FY2023.”

Registration is required to attend and/or provide oral public comment during this meeting. Please refer to the e-Manifest Advisory Board website a <https://www.epa.gov/emanifest/hazardous-waste-electronicmanifest-system-e-manifest-advisoryboard> for information on how to register either as a public audience attendee or as an oral public commenter.

Reference/Link

The link below will allow you to view/print this Final Rule.

<https://www.govinfo.gov/content/pkg/FR-2020-12-29/pdf/2020-28731.pdf>

C. Civil Monetary Penalty Inflation Adjustment; Final Rule

Agency

Environmental Protection Agency (EPA)

Dates

Published Date: 12/23/2020

Effective Date: 12/23/2020

Summary

The Environmental Protection Agency published a final rule on December 23, 2020 to adjust the level of the maximum and minimum statutory civil monetary penalty amounts under the statutes the EPA administers. This action is mandated by the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended through the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 ("the 2015 Act").

The rule does not establish specific civil monetary penalty amounts the EPA may seek in particular cases. This is appropriate given the facts of particular cases and applicable agency penalty policies. The EPA's civil penalty policies guide enforcement personnel on how to exercise the EPA's discretion within statutory penalty authorities. The civil penalty policies take into account a number of fact-specific considerations, e.g., the seriousness of the violation, the violator's good faith efforts to comply, any economic benefit gained by the violator as a result of its noncompliance, and a violator's ability to pay.

Please refer to the posting of the Final Rule in the Federal Register linked below to see "TABLE 1 OF §19.4 — CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS"

Reference/Link

The link below will allow you to view/print this Final Rule.

<https://www.govinfo.gov/content/pkg/FR-2020-12-23/pdf/2020-26997.pdf>

D. Governor Cuomo Signs Legislation Banning Most Harmful Uses of Trichloroethylene; Press Release

Agency

New York State Senate (NYS Senate)

Dates

Published Date: 12/23/2020

Effective Date: 12/23/2020

Summary

Governor Cuomo has signed legislation that bans certain uses of Trichloroethylene (TCE). The legislation bans TCE's use as a vapor degreaser, an intermediate chemical in the production of other chemicals, a refrigerant, an extraction solvent or in any other manufacturing or industrial cleaning process or use.

"TCE is a highly toxic chemical that's been proven harmful for both humans and the environment, and restricting its use helps two causes for the price of one," Governor Cuomo said. "This legislation will protect New Yorkers from a known carcinogen that has been linked to cancer, developmental disorders and other conditions while protecting our water and air from contamination."

Please click the following link to download the Bill Text and to view the Bill Actions:
<https://www.nysenate.gov/legislation/bills/2019/s6829>

Reference/Link

The link below will allow you to view/print this Press Release.

<https://www.governor.ny.gov/news/governor-cuomo-signs-legislation-banning-most-harmful-uses-trichloroethylene>

E. EPA Fall 2020 Unified Agenda and Regulatory Plan; Regulatory Plan

Agency

Environmental Protection Agency (EPA), Office of Land and Emergency Management (OLEM)

Dates

Published Date: December, 2020

Summary

The Environmental Protection Agency (EPA) Publishes a semi-annual regulatory agenda twice per year. The semi-annual regulatory agenda describes a broad universe of regulatory activities that are under development or review. Following are the waste-related topics applicable to Veolia operations.

Office of Land and Emergency Management - Final Rule Stage
1. Hazardous and Solid Waste Management System: Disposal of CCR; A Holistic Approach to Closure Part B: Implementation of Closure - 2050-AH18
2. Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan; Subpart J Monitoring Requirements - 2050-AH16
Office of Land and Emergency Management - Proposed Rule Stage
1. Alternate PCB Extraction Methods and Amendments to PCB Cleanup and Disposal Regulations - 2050-AH08
2. Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals From Electric Utilities; Enhancing Public Access to Information; Reconsideration of Beneficial Use Criteria and Piles - 2050-AG98
3. Integrating e-Manifest With Exports and Other Manifest-Related Reports - 2050-AH12
4. Designating PFOA and PFOS as CERCLA Hazardous Substances - 2050-AH09
5. OLEM National Contingency Plan Modernization - 2050-AH20

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Reference/Link

The link below will allow you to view/print this notice of agenda and regulatory plan.

https://www.reginfo.gov/public/do/eAgendaMain?operation=OPERATION_GET_AGENCY_RULE_LIST¤tPub=true&agencyCode=&showStage=active&agencyCd=2000&csrf_token=5026A4725ACB97ECB1C32D3DA14FC9EC1BD0786FBECBAD17A84203E0C21D425A4D7E8B9F356E49A529CCB36FF5A81C493039

F. **ORM-D Phase-out Ends Dec. 31, 2020; Phase-out Reminder**

Agency

Department of Transportation (DOT), Pipeline and Hazardous Materials Safety Administration (PHMSA)

Dates

Effective Date: 1/01/2021

Summary

On January 19, 2011, PHMSA published final rule HM-215K to harmonize the 49 CFR Hazardous Materials Regulations (HMR) with the United Nations (UN) requirements for the transportation of dangerous goods. One of the changes calls for the elimination of the ORM-D exception. Per the revised rule, items previously marked as ORM-D will have to conform to the new requirements for Limited Quantity shipments or be shipped as fully regulated items. Although the term "ORM-D" is being eliminated, most consumer commodities will continue to be eligible for the limited quantity exception. The final rule also includes a new Limited Quantity marking that will replace the ORM-D on packages.

Packaging, labeling and marking requirements remain the same under the new Limited Quantity requirements as they did under ORM-D however instead of marking packages with ORM-D, the new Limited Quantity marking must be used. For the most part, the same materials, in the same quantities, in the same packaging, will continue to qualify for relief under DOT's limited quantity regulations after ORM-D is phased out. When PHMSA began the phase-out in 2011, they also expanded the limited quantity exceptions to include the same relief provided for ORM-D. In place of using the Consumer Commodity,

1.4S Hazard Class Materials

ORM-D shipping name, a proper shipping name must be selected from the 172.101 Table that provides an exception for limited quantities. Limited quantities of Cartridges, small arms, Cartridges, power device, Cartridges for tools, blank, and Cases, cartridge, empty with primer can no longer be reclassified as ORM-D and must be shipped with a 1.4S hazard class and with the words, "limited quantity" or "Ltd Qty" following the basic description.

Voluntary compliance with the new regulation was authorized effective January 1, 2011, for domestic ground, rail and vessel shipments.

The deadline for the ORM-D phase-out is December 31, 2020. Therefore, beginning January 1, 2021, ORM-D will no longer be an acceptable marking for shipping hazardous materials.

Reference/Link

The link below will allow you to view/print this ORM-D Phase-out Reminder.

<https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2020-11/final.pdf>

G. Record of Violations; Notice of Proposed Rulemaking

Agency

Federal Motor Carrier Safety Administration (FMCSA)

Dates

Published Date: 12/14/2020

Comments Due: 02/12/2021

Summary

The Federal Motor Carrier Safety Administration (FMCSA) is proposing to eliminate the requirement that drivers operating commercial motor vehicles (CMVs) in interstate commerce must prepare and submit a list of their convictions for traffic violations to their employers annually. This requirement is duplicative of a separate provision that requires each motor carrier to make an annual inquiry to obtain the motor vehicle record (MVR) for each driver it employs from each State in which the driver holds or has held a CMV operator's license or permit in the past year.

In order to ensure that motor carriers are aware of traffic violations for a driver who is licensed by a foreign authority rather than by a State, that provision would be amended to provide that motor carriers must make an annual inquiry to each driver's licensing authority where a driver holds or has held a CMV operator's license or permit. This change would require motor carriers to request the MVR equivalent from Canadian and Mexican driver's licensing authorities.

FMCSA expects that removing the requirement for drivers to provide a list of their convictions for traffic violations to their employers annually would reduce the paperwork burden on drivers and motor carriers without adversely affecting CMV safety.

Reference/Link

The link below will allow you to view/print this Notice of Proposed Rulemaking.

<https://www.govinfo.gov/content/pkg/FR-2020-12-14/pdf/2020-26957.pdf>

H. Waiver in Response to the COVID-19 National Emergency – For States, CDL Holders, CLP Holders, and Interstate Drivers Operating Commercial Motor Vehicles; Waiver

Agency

Federal Motor Carrier Safety Administration (FMCSA)

Dates

Published Date: 12/15/2020

Effective Date: 01/01/2021

Expiration Date: 02/28/2021 or upon the revocation of the President's Declaration of National Emergency under 42 U.S.C. § 5191(b) concerning the COVID-19 public health emergency, whichever is sooner.

Summary

On December 15, 2020, FMCSA issued a new waiver pertaining to the CDL, CDL permit (CLP) and medical examination requirements. As a result of the COVID-19 emergency, many CDL and CLP holders may be unable to renew their CDLs and CLPs or provide medical certificates to their SDLA. In addition, due to limited operations or backlogs, drivers may be unable to obtain appointments for physical examinations with medical examiners to comply with the Federal Motor Carrier Safety Regulations (FMCSRs). Given the national emergency, there is a continued public need for the transportation of essential supplies, equipment, and persons, which requires an adequate and sustained supply of CDL holders, CLP holders, and drivers operating CMVs (non-CDL drivers). This waiver is granted to provide the same needed relief from specified FMCSRs for CDL holders, CLP holders, and non-CDL drivers that was provided by the March 24, June 15, and September 18 waivers.

IMPORTANT NOTES REGARDING THE WAIVER:

CDL/CLP - The waiver does not alter any of the knowledge and skills testing requirements for obtaining either a CDL, a CLP, or a necessary endorsement. It does not allow States to extend the license of a CDL or CLP holder whose credential expired prior to March 1, 2020. It does not apply to a CDL or CLP holder if the driver's privileges have been suspended or withdrawn for traffic offenses or if the driver is otherwise disqualified to operate a CMV. And, this waiver does not authorize States to extend the validity of a non-domiciled CLP or CDL beyond the non-domiciled driver's approved legal presence.

Medical Certification - For regulatory provisions concerning driver medical certification, FMCSA is limiting the waiver eligibility to drivers whose medical certification or medical variance expired on or after September 1, 2020. While FMCSA recognizes that drivers continue to experience difficulty in obtaining a medical certification or variance and providing it to the SDLA, the Agency must also ensure safety by limiting how long a driver may operate a CMV with an expired medical certificate or variance. Therefore, FMCSA is not waiving the medical certification requirements for drivers whose medical certification or variance expired before September 1, 2020, and the Agency urges these drivers to obtain a new medical certificate or variance as soon as practicable. The Agency also encourages SDLAs and medical examiners, to the extent administratively practicable, to prioritize for appointments drivers in this category. Drivers whose medical certification or variance expired on or after September 1, 2020 are covered under this waiver until February 28, 2021.

Reference/Link

The link below will allow you to view/print this Waiver.

<https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/2020-12/FMCSA%20CDL%20Waiver%20-%20FINAL.pdf>

I. **Hazardous Materials: Editorial Corrections and Clarifications; Final Rule**

Agency

Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT)

Dates

Published Date: 12/21/2020

Effective Date: 01/20/2021

Summary

This final rule corrects editorial errors and improves the clarity of certain provisions in the Hazardous Materials Regulations and PHMSA program and procedural regulations. The intended effect of this rulemaking is to enhance the accuracy and reduce misunderstandings of the regulations. The amendments contained in this final rule are non-substantive changes and do not impose new requirements.

This summary includes corrections that may have an impact on the operations of Veolia. Please refer to the federal register publication for complete details of corrections and amendments adopted in this final rule.

- A. Clarifying the Use of the Term “Movement” Within the HMR - Throughout the HMR, the term “movement” is used to describe a change in position or “shifting” of a package or its contents (i.e., inner packagings) in provisions that refer to handling or stowage on a transport vehicle to protect against damage to the package during transportation. However, “movement” is specifically defined in §171.8 as “the physical transfer of a hazardous material from one geographic location to another by rail car, aircraft, motor vehicle, or vessel.” In this context, the use of the term “movement” is not appropriate when prescribing requirements for the safe handling or stowage of packages during transportation. Therefore, PHMSA is revising each instance of “movement” to either “shifting” or—for §§173.31, 174.67, 176.89—“motion” where the intended meaning is a change in position of the package or its contents rather than the physical transfer of the package to a different geographic location. These changes are in the following sections: 172.102(c)(1) and (c)(3)—Special Provisions 384, 386, and B131(d); 173.3; 173.24; 173.31; 173.134; 173.150; 173.159; 173.166; 173.185; 173.219; 173.220; 173.222; 173.301b; 173.306; 173.308; 173.315; 174.67; 175.10, 176.89, 176.200; and 176.906.
- B. Clarification of Reportable Quantity Reference - PHMSA is revising the definition of “reportable quantity” to include a reference to “Appendix A” to the Hazardous

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Materials Table (HMT) at §172.101 and the specific table columns within Appendix A's tables. The current definition refers to "the appendix;" however, there are two appendices to the HMT: Appendix A, List of Hazardous Substances and Reportable Quantities, and Appendix B, List of Marine Pollutants. PHMSA now revises §171.8 to clarify that it references "Appendix A" to the HMT. Further, since Appendix A to the HMT contains two tables that list reportable quantity in different column locations, PHMSA is making clear in §171.8 that the reportable quantity in Table 1 comes from Column 2 and the reportable quantity in Table 2 comes from Column 3.

C. Corrections to the 172.101 Hazardous Materials Table

- a. In a final rule published January 19, 2011, HM-215K [76 FR 3308], PHMSA amended "UN1655, Nicotine compounds, solid, n.o.s. or Nicotine preparations, solid, n.o.s.," by adding a "G" in Column (1). However, there are now two table entries for "UN1655," one with the "G" in Column (1) and one without. Because the entry for "UN1655" without the "G" and its assigned values was mistakenly added in the HMT, PHMSA is removing the table entry without the "G." Furthermore, for the entry with the "G" in Column (1), PHMSA is revising the proper shipping name to include a period at the end. As it reads currently, there is no period at the end of the "n.o.s" for "Nicotine preparations."
- b. In a final rule published January 19, 2011, HM-215K [76 FR 3308], the table entry for "UN1810, Phosphorous oxychloride" was amended to harmonize with international regulations as a Division 6.1 primary hazard material. The spelling of the hazardous material, "Phosphorus oxychloride" was inadvertently changed to "Phosphorous oxychloride." PHMSA is revising the spelling of the material back to "Phosphorus oxychloride" for consistency with other phosphorus compounds listed in the table, with international standards, and because the entry is assigned a "+" in Column (1) which fixes the proper shipping to what is listed in the table.
- c. For "UN3291, Regulated medical waste, n.o.s. or Clinical waste, unspecified, n.o.s. or (BIO) Medical waste, n.o.s., or Biomedical waste, n.o.s. or Medical waste, n.o.s.," PHMSA is italicizing the "or(s)" in the hazardous materials description in Column (2) as the proper shipping name was removed and replaced with the current name featuring unitalicized "or(s)" in HM-215I [71 FR 78596], published December 29, 2006. The word "or" is not part of the proper shipping name and under §172.101(c)(2), an "or" in italics indicates that there is a choice of proper shipping names.
- d. In a final rule published January 1, 2009, HM-215J [74 FR 2200], PHMSA amended the HMT entry for "UN1046, Helium, compressed," by adding "307" to Column (8A) for reference to §173.307 packaging exceptions for compressed gases, but the amendment contained formatting errors and "307" is still not in Column (8A). Therefore, in this final rule, PHMSA is adding "307" to Column (8A) for this table entry.
- e. In a final rule published June 2, 2016, HM-218H [81 FR 35483], PHMSA removed the packing group (PG) designation for "NA0337, Toy Caps." However, in doing so, PHMSA inadvertently removed Special Provision 382, which was assigned to this entry in a final rule published on January 21, 2016, HM-233F [81 FR 3636]. Therefore, PHMSA is adding Special Provision 382 back to Column (7) for "NA0337" to correct the error.
- f. In a final rule published June 21, 2001, HM-215D [66 FR 33316], PHMSA amended the entry "NA8001, Dangerous Goods in Machinery or Dangerous Goods in Apparatus" to read "UN3363, Dangerous Goods in Machinery or Dangerous Goods in Apparatus" with a classification as a Class 9 hazard. However, PHMSA did not include a "9" for the label code in Column (6) of the HMT, which reflects the hazard Class or Division assigned in Column (3). Therefore, in the interest of clarity, consistency, and to harmonize with international standards and regulations, PHMSA is modifying this entry to

reflect a Class 9 label code. In addition, PHMSA is addressing a typo by removing a period after the letter "A" in Column (10A).

- g. In a final rule published December 29, 1994, HM-215A [59 FR 67390], the Research and Special Programs Administration (RSPA), PHMSA's predecessor agency, added "UN3252, Difluoromethane" to the HMT with a reference to "302" in Column (8B) for authorized non-bulk packaging. This reference was an inadvertent transcription error and should have instead referenced "304." Section 173.302 outlines authorized packaging and filling requirements for non-liquefied (permanent) compressed or absorbed gases (e.g., Argon). However, "UN3252, Difluoromethane or Refrigerant gas R32" is a liquefied compressed gas and would therefore be subject to the packaging and filling requirements found in §173.304 for liquefied compressed gases and not the inapplicable requirements found in §173.302. Therefore, PHMSA is correcting the table entry for "UN3252" to reflect "304" in Column (8B) and for consistency with other refrigerant gas entries in the table that refer to "304" (e.g., Refrigerant gas R 404A).
- D. Clarification to DOT Security Plan Requirements - This section prescribes the requirements for the development and implementation of plans to address security risks related to the transportation of hazardous materials in commerce. In §172.800(b), PHMSA is revising paragraphs (b)(1) through (b)(14) by replacing the semicolons at the end of each paragraph with periods as each is a standalone criterion for being subject to security plan requirements.
- E. Clarification to Exception for Empty Limited Quantity Packagings - Section 173.29 provides exceptions and requirements for empty packagings. In a final rule published January 7, 2013, HM-215K [76 FR 3308], PHMSA adopted the new limited quantity provisions and the eventual phase-out of the ORM-D hazard class to provide much of the same regulatory relief to limited quantities as was applied to consumer commodity ORM-D material (i.e., shipping papers, marking, packaging). Empty packagings of ORM-D material containing only the residue of a hazardous material are excepted from the HMR. However, PHMSA did not make this exception specifically applicable to empty packagings containing limited quantity material. PHMSA is accordingly revising §173.29(b)(2)(iv)(A) to include "a limited quantity or an ORM-D material."
- F. Corrections to the Table of Packing Methods for Explosive Materials - Section 173.62 provides the specific packing requirements for explosives. In a recent final rule published January 21, 2016, HM-233F [81 FR 3636], PHMSA modified Packing Instruction 139 in the paragraph (c) Table of Packing Methods to adopt special permit DOT-SP 12335. The adoption of the special permit allowed for detonating cord to be packed without sealed ends. However, in making this change, PHMSA inadvertently removed the list of authorized inner and outer packagings for Packing Instruction 139. Therefore, PHMSA is amending Packing Instruction 139 to include the list of inner and outer packagings previously authorized. Further review led to the discovery of other errors or sources of confusion, such as the packing method for outer packagings in Packing Instruction 130, which is formatted incorrectly due to inaccurate spacing. PHMSA is making technical revisions to the table throughout to correct formatting issues, harmonize inconsistent language, eliminate any possible confusion, and aid in ease of understanding by the reader of what types of inner, intermediate, and outer packagings are authorized.
- G. Correction to Unit of Measurement in Packaging Section 173.150 (Exceptions for Class 3 Flammable and Combustible Liquids) - Section 173.150 provides exceptions for Class 3 (flammable and combustible liquids). In a final rule published November 7, 2018, HM-219A [83 FR 55792], PHMSA converted the measurements in paragraphs (g)(1)(iii) and (g)(2)(iii) from U.S. standard units to the International Standard of Units. In doing so, however, PHMSA did not round to the nearest whole number as is done in the rest of the HMR (see e.g., §§173.151(b), 173.152(b), and 173.153(b)). Accordingly, in paragraphs (g)(1)(iii) and (g)(2)(iii), the unit of measurement for "14.9 kilograms" and "29.9 kilograms" is being rounded to read "15 kilograms" and "30

kilograms” to be consistent with other references to this unit of measurement and conversion in the HMR.

- H. Clarification to RMW Packaging Requirements - Section 173.197 provides requirements for regulated medical waste (RMW). These include requirements for non-bulk packagings used as sharps containers of RMW (§173.197(b)), large packagings with an inner packaging used as sharps containers of RMW (Large Packagings) (§173.197(c)), and wheeled carts (Carts) or bulk outer packagings (BOPs) with an inner packaging used as sharps containers of RMW (§173.197(d)(1)(i)). Paragraph (e) of §173.197 requires sharps packagings for Large Packagings, Carts, or BOPs to be capable of meeting the requirement in 49 CFR part 178, subpart M “Testing of Non-bulk Packagings and Packages,” at the packing group II (PG II) level. Section 178.600 states that 49 CFR part 178, subpart M prescribes certain testing requirements for performance-oriented packagings identified in 49 CFR part 178, subpart L “Non-bulk Performance-Oriented Packaging Standards.” The tests and packagings prescribed in the HMR are authorized for non-bulk packagings only. Therefore, the HMR effectively limits the size of sharps containers to non-bulk by relying on the testing requirements in 49 CFR part 178, subpart M. Recently, PHMSA has received inquiries from regulated entities asking if they can test bulk sharps packagings using the non-bulk PG II test and place these bulk sharps packagings in Large Packagings, Carts, or BOPs. In response to these inquiries, PHMSA is amending this section to clarify that such testing is not consistent with the HMR. PHMSA is revising the introductory text in §173.197(e)(3) to state explicitly that only non-bulk sharps packagings may be transported in a Large Packaging, Cart, or BOP.
- I. Clarification to the Emergency Contact Information Used for Category B Infectious Substances - Section 173.199 provides the provisions for Category B infectious substances. In this final rule, PHMSA is providing clarity on §173.199(a)(7). These requirements provide the name and telephone number of a person who is either knowledgeable about the material being shipped and has comprehensive emergency response and incident mitigation information for the material or who has immediate access to a person who possesses such knowledge and information on a written document or on the outer packaging. The paragraph (a)(7) requirements were first introduced in an NPRM published May 19, 2005 [70 FR 29170] as part of a harmonization effort with the 2005-2006 International Civil Aviation Organization Technical Instructions on the Transportation of Dangerous Goods by Air (ICAO Technical Instructions), which require a telephone number of a person knowledgeable about the material be provided. One commenter to the NPRM expressed concern at the potential costs of monitoring a telephone number while a shipment was in transit. In the final rule published June 2, 2006, HM-226A [71 FR 32244], PHMSA clarified that its harmonization effort would not require that the telephone number be monitored at all times the hazardous material is in transportation because that would be unduly burdensome, but that PHMSA did intend it to be monitored during a company’s administrative office hours. Therefore, PHMSA is amending language in §173.199(a)(7) to clarify the parameters of monitoring the required telephone number consistent with the preamble of HM-226A.

Reference/Link

The link below will allow you to view/print this Final Rule.

<https://www.govinfo.gov/content/pkg/FR-2020-12-21/pdf/2020-23353.pdf>

J. Hazardous Materials: Miscellaneous Amendments Pertaining to DOT Specification Cylinders; Final Rule

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Agency

Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT)

Dates

Published Date: 12/28/2020

Effective Date: 01/27/2021

Summary

PHMSA is amending the Hazardous Materials Regulations (HMR) to revise certain requirements applicable to the manufacture, use, and requalification of DOT-specification cylinders. PHMSA is taking this action in response to petitions for rulemaking submitted by stakeholders and agency review of compressed gas cylinder regulations. Specifically, PHMSA is incorporating by reference or updating the references to several Compressed Gas Association publications, amending the filling requirements for compressed and liquefied gases, expanding the use of salvage cylinders, and revising and clarifying the manufacture and requalification requirements for cylinders.

Cylinders filled with a Class 2 hazardous material (gas) or other hazardous materials and offered for transportation must comply with various requirements of the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180). These include 49 CFR part 173, subpart G, which sets forth the requirements for preparing and packaging gases; 49 CFR part 178, subpart C, which sets forth the specifications for cylinders (*i.e.*, how they should be constructed); and 49 CFR part 180, subpart C, which sets forth the requirements for repair, maintenance, and periodic requalification of cylinders. Additionally, cylinders must meet other requirements in the HMR, such as regulations that address the modal requirements on cylinders in transportation including general handling, loading, unloading, and stowage.

PHMSA, in response to petitions for rulemaking submitted by stakeholders and an Agency, initiated review of the regulations, is making changes to the HMR, including but not limited to the following:

1. Incorporating by reference or updating references to several Compressed Gas Association (CGA) publications;
2. Amending the filling requirements for compressed and liquefied gases;
3. Expanding the use of salvage cylinders; and
4. Revising and clarifying the manufacture and requalification requirements for cylinders.

This final rule is also presenting minor and miscellaneous regulatory editorial corrections. These revisions are collectively intended to result in a net reduction of regulatory burdens while maintaining or enhancing the existing level of safety of hazardous materials transported in cylinders.

This summary includes only amendments to the HMR that could have an impact on the operations of Veolia. Please refer to the Federal Register publication for complete information pertaining to this final rule.

Expanding the Use of Salvage Cylinders To Allow Class 4 and 5 Materials -

Chemically Speaking, LLC submitted P-1596 which requested that PHMSA revise the HMR pertaining to salvage drums. Specifically, P-1596 proposed amending §173.3(d) to allow

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Class 4 and Class 5 materials to be placed in salvage cylinders.

Salvage cylinders are currently authorized to transport liquefied gases (such as carbon dioxide) and many toxic gases (Division 2.3). These materials are both high and low pressure so the salvage cylinders must be constructed and designed to handle the possible pressures of the packaged materials at temperatures up to 55 °C. Salvage cylinder design criteria ensure the safety and containment of a leaking cylinder so it can be transported to a disposal facility. Adding Class 4 and Class 5 materials will not create any significant change in the risk when using salvage cylinders as long all the requirements of §173.3(d) are met. No Class 4 and Class 5 materials can be as toxic as the Division 2.3 or Division 6.1 materials currently allowed, nor can they generate pressure that would exceed the pressures of the Division 2.1, 2.2, or 2.3 materials currently allowed. Thus, PHMSA believes adding these materials as authorized in salvage cylinders will maintain the same level of safety established by the regulations.

Reference/Link

The link below will allow you to view/print this Final Rule.

<https://www.govinfo.gov/content/pkg/FR-2020-12-28/pdf/2020-26264.pdf>

K. Rulemaking Procedures Update; Final Rule

Agency

Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT)

Dates

Published Date: 12/31/2020

Effective Date: 03/01/2021

Summary

FMCSA published a notice of proposed rulemaking (NPRM) on August 7, 2017 (82 FR 36719) that proposed several changes to the regulatory procedural requirements found in 49 CFR part 389. These changes fell into the three general categories outlined below:

A. Advance Rulemaking Procedures Required

FMCSA proposed new rulemaking provisions required by the FAST Act where the Agency must consider undertaking a negotiated rulemaking or an ANPRM for all major rules regarding commercial motor vehicle (CMV) safety. However, the FAST Act allows the Administrator to waive this requirement in instances where those tools would be impracticable, unnecessary, or contrary to the public interest. Additionally, the NPRM proposed to adopt the definition of a “major rule” from the Congressional Review Act (5 U.S.C. 804). FMCSA would use this definition to determine whether an ANPRM or negotiated rulemaking process is necessary.

B. Definition and Processing of a Petition

Prior to this final rule, FMCSA regulations for submitting petitions (49 CFR part 389) included no regulatory definition of a petition. Section 5204 of the FAST Act defines the term *petition*. It includes requests for: A new regulation; a regulatory interpretation or clarification; or a determination by FMCSA that a regulation should be modified or eliminated for one of several enumerated reasons prescribed in section 5204. FMCSA proposed including this definition in part 389.

Additionally, the NPRM proposed a new process for filing and addressing petitions. These changes were proposed to clarify FMCSA's procedures for rulemaking, and to make editorial changes.

Finally, FMCSA proposed to add a definition for *written or in writing* that would include electronic documentation.

C. Direct Final Rulemaking Procedures

Under FMCSA's direct final rulemaking (DFR) procedures in effect at the time of the NPRM, if the Agency received a notice of intent (NOI) to file an adverse comment, the DFR would be withdrawn, even if the comment that was eventually filed did not meet the definition of an adverse comment found in 49 CFR 389.39(b). The NPRM proposed to change this requirement. Upon receiving an NOI to file an adverse comment, the Agency would extend the comment period rather than withdraw the DFR, allowing the commenter additional time to file the comment. Once FMCSA received the comment, the Agency would determine whether it was adverse. If it was an adverse comment, FMCSA would withdraw the DFR; however, if it did not meet the definition of *adverse comment* in §389.39(b), the Agency would move forward with the DFR. If the same or another commenter submitted an NOI at the end of the extended comment period, FMCSA would determine, on a case-by-case basis, whether to extend the comment period again, withdraw the DFR, or proceed with the DFR using only the comments already received.

Changes Adopted in this Final Rule

In this final rule, FMCSA has adopted the following definitions and amendments:

Major rule means—

(1) Any rule that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget finds has resulted in or is likely to result in:

- (i) An annual effect on the economy of \$100,000,000 or more;
- (ii) A major increase in costs or prices for consumers, individual industries, geographic regions, or Federal, State, or local government agencies; or
- (iii) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

2) The term does not include any rule promulgated under the Telecommunications Act of 1996 and the amendments made by that Act.

Petition means -

A request for:

- (1) A new regulation;
- (i) A regulatory interpretation or clarification; or
- (ii) A determination made by the Administrator that a regulation should be modified or eliminated because it is:

- (A) No longer:
 - (1) Consistent and clear;
 - (2) Current with the operational realities of the motor carrier industry; or
 - (3) Uniformly enforced;

- (B) Ineffective; or
- (C) Overly burdensome.

§389.13 Initiation of rulemaking.

(a) Rulemakings are initiated in accordance with the procedures found in 49 CFR 5.11. The Administrator may recommend the initiation of a rulemaking to the Office of the Secretary on his/her own motion. However, in so doing, he/she may, in his/her discretion, consider the recommendations of his/her staff or other agencies of the United States or of other interested persons.

(b) If a proposed rule regarding commercial motor vehicle safety is likely to lead to the promulgation of a major rule, the Administrator, before publishing such proposed rule, shall—

(1) Issue an advance notice of proposed rulemaking that:

- (i) Identifies the need for a potential regulatory action;
- (ii) Identifies and requests public comment on the best available science or technical information relevant to analyzing potential regulatory alternatives;
- (iii) Requests public comment on the available data, benefits, and costs with respect to regulatory alternatives reasonably likely to be considered as part of the rulemaking; and (iv) Requests public comment on available alternatives to regulation; or

(2) Proceed with a negotiated rulemaking.

(c) Paragraph (b) of this section does not apply to a proposed rule if the Administrator, for good cause, finds (and incorporates the finding and a brief statement of reasons for such finding in the proposed or final rule) that an advance notice of proposed rulemaking is impracticable, unnecessary, or contrary to the public interest. A proposed rule subject to paragraph (b) of this section should also be evaluated to determine the applicability of 49 CFR 5.17.

§389.21 Submission of written comments.

(a) You may submit comments identified by the docket number provided in the rulemaking document using any of the following methods. To avoid duplication, please use only one of these four methods. (1) *Federal eRulemaking Portal*: <http://www.regulations.gov>. Follow the online instructions for submitting comments.

(2) *Mail*: Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001.

(3) *Hand Delivery or Courier*: West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. (4) *Fax*: (202) 493-2251.

(b) All written comments must be submitted in English and include copies of any material that the commenter refers to within the comment.

§389.29 Adoption of final rules.

Final rules are prepared by representatives from all relevant offices of FMCSA. The final rule is then submitted to the Administrator for his/her consideration and forwarded, as necessary, to the Office of the Secretary for review and approval. Once approved by the Office of the

Secretary, and, if necessary, by the Office of Management and Budget's Office of Information and Regulatory Affairs, the final rule is signed by the Administrator. All final rules must be published in the Federal Register, unless all persons subject to the final rule are named and personally served with a copy of it.

§389.31 Petitions for rulemaking.

- (a) Any interested person may petition the Administrator to establish, amend, interpret, clarify, or withdraw a rule.
- (b) Each petition filed under this section must:
 - (1) Be submitted in writing by mail to the Administrator, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave. SE, Washington, DC 20590-0001 or electronically at www.regulations.gov, using the general petitions for rulemaking docket listed on FMCSA's website at www.FMCSA.gov.
 - (2) Set forth the text or substance of the rule or amendment proposed, or specify the rule that the petitioner seeks to have interpreted, clarified or withdrawn, as the case may be;
 - (3) Explain the interest of the petitioner in the action requested;
 - (4) Contain any information, data, research studies, and arguments available to the petitioner to support the action sought.

§389.35 Petitions for reconsideration.

- (a) Any interested person may petition the Administrator for reconsideration of any rule issued under this part. The petition for reconsideration must be in English and submitted to the Administrator, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave. SE, Washington, DC 20590-0001, or electronically submitted using the docket for the rulemaking at www.regulations.gov, and received not later than thirty (30) days after publication of the rule in the Federal Register. Petitions for reconsideration filed after that time will be considered as petitions for rulemakings filed under §389.31 of this part. The petition for reconsideration must contain a brief statement of the complaint and an explanation as to why compliance with the rule is not practicable, is unreasonable, or is not in the public interest.

Reference/Link

The link below will allow you to view/print this Final Rule.

<https://www.govinfo.gov/content/pkg/FR-2020-12-31/pdf/2020-27854.pdf>

L. DOT Fall 2020 Unified Agenda and Regulatory Plan; Regulatory Plan

Agency

Federal Motor Carrier Safety Administration (FMCSA); Pipeline and Hazardous Materials Safety Administration (PHMSA)

Dates

Published Date: December, 2020

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Summary

The Department of Transportation Publishes a semi-annual regulatory agenda twice per year. The semi-annual regulatory agenda describes a broad universe of regulatory activities that are under development or review. Following are the waste-related topics applicable to Veolia operations.

Federal Motor Carrier Safety Administration - Final Rule Stage
1. Definition of Tank Vehicle Used for Determining the Commercial Driver's License Endorsement Requirement - 2126-AB61
2. Controlled Substances and Alcohol Testing: State Driver's Licensing Agency Downgrade of Commercial Driver's License - 2126-AC11
3. Extension of Compliance Date for Entry Level Driver Training - 2126-AC25
4. Commercial Driver's License Standards, Requirements and Penalties; Exclusive Electronic Exchange of Driver History Record Information - 2126-AC36
Federal Motor Carrier Safety Administration - Proposed Rule Stage
1. Heavy Vehicle Speed Limiters - 2126-AB63
2. Record of Violations - 2126-AC15
3. Preservation of Records - 2126-AC16
4. Driver Qualifications; Revising the Vision Standard - 2126-AC21
5. Passenger and Hazardous Materials Vehicles and Railroad Highway Grade Crossings - 2126-AC39
6. Incorporation by Reference; North American Standard Out-of-Service Criteria; Hazardous Materials Safety Permits - 2126-AC40
7. Area for Voluntary Installation of Vehicle Safety Technology on the Interior of Windshields - 2126-AC42
Federal Motor Carrier Safety Administration - Pre-Rule Stage
1. Application for Employment - 2126-AC13
Pipeline and Hazardous Materials Safety Administration - Final Rule Stage
1. Hazardous Materials: Miscellaneous Amendments Pertaining to DOT-Specification Cylinders - 2137-AE80
2. Hazardous Materials: Incorporation of ASME Code Section XII and the National Board Inspection Code - 2137-AE58

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3. Pipeline Safety: Amendments to Parts 192 and 195 to Require Valve Installation and Minimum Rupture Detection Standards - 2137-AF06
4. Hazardous Materials: Response to an Industry Petition to Reduce Regulatory Burden for Cylinder Requalification Requirements - 2137-AF30
5. Hazardous Materials: Adoption of Miscellaneous Petitions to Reduce Regulatory Burdens - 2137-AF33
Pipeline and Hazardous Materials Safety Administration - Proposed Rule Stage
1. Hazardous Materials: Continued Conversion of Special Permits - 2137-AF34
2. Hazardous Materials: Harmonization With International Standards - 2137-AF46
3. Hazardous Materials: Reducing Regulatory Burdens and Adoption of Petitions for Rulemaking - 2137-AF49
Pipeline and Hazardous Materials Safety Administration - Prerule Stage
1. Hazardous Materials: Regulatory Reform Initiatives and Reducing Unnecessary Burdens - 2137-AF47

Reference/Link

The link below will allow you to view/print this notice of agenda and regulatory plan.

https://www.reginfo.gov/public/do/eAgendaMain?operation=OPERATION_GET_AGENCY_RULE_LIST¤tPub=true&agencyCode=&showStage=active&agencyCd=2100&csrf_token=9EA200E87C27E7C96DC644B58B4C612F846AD7E0C0A38E8A07E98B60E69B5A42E7FA985D0DB886D771BFE8BD04AA6010B8B2

M. Cal/OSHA Emergency Regulations to Protect Workers from COVID-19 in Effect; News Release

Agency

California Department of Industrial Relations Division of Occupational Safety & Health (Cal/OSHA)

Dates

Published Date: 12/01/2020

Effective Date: 12/01/2020

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Summary

The California Department of Industrial Relations Division of Occupational Safety & Health (Cal/OSHA) has approved Emergency Regulations in order to protect workers from COVID-19. The emergency standards apply to most workers in California not covered by Cal/OSHA's Aerosol Transmissible Diseases standard.

The regulations require employers to implement a site-specific written COVID-19 prevention program to address COVID-19 health hazards, correct unsafe or unhealthy conditions and provide face coverings. The regulations also require employers to provide COVID-19 testing and notify public health departments when there are multiple COVID-19 infections or outbreaks at the worksite.

These regulations are effective immediately. Cal/OSHA has posted [FAQs](#) and a [one-page fact sheet](#) on the regulation, as well as a [model COVID-19 prevention program](#). Employers are invited to participate in [training webinars](#) held by Cal/OSHA's Consultation Services branch.

Reference/Link

The link below will allow you to view/print this News Release.

<https://www.dir.ca.gov/DIRNews/2020/2020-99.html>

N. OSHA Fall 2020 Unified Agenda and Regulatory Plan; Regulatory Plan

Agency

Department of Labor (DOL), Occupational Safety and Health Administration (OSHA)

Dates

Published Date: December, 2020

Summary

OSHA Publishes a semi-annual regulatory agenda twice per year. The semi-annual regulatory agenda describes a broad universe of regulatory activities that are under development or review. Following are the topics applicable to Veolia operations.

Occupational Safety and Health Administration - Final Rule Stage
1. Procedures for Handling of Retaliation Complaints Under the Whistleblower Protection Statutes - 1218-AD30
2. Discrimination Against Employees Exercising Rights Under the Williams-Steiger Occupational Safety and Health Act of 1970 - 1218-AD35

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Occupational Safety and Health Administration - Proposed Rule Stage	
1.	Update to the Hazard Communication Standard - 1218-AC93
3.	Powered Industrial Trucks - 1218-AC99
4.	Lock-Out/Tag-Out Update - 1218-AD00
5.	Drug Testing Program and Safety Incentives Rule - 1218-AD24
6.	Powered Industrial Trucks Design Standard Update - 1218-AD26
7.	Walking Working Surfaces - 1218-AD28
Occupational Safety and Health Administration - Prerule Stage	
1.	Emergency Response - 1218-AC91
2.	Blood Lead Level for Medical Removal - 1218-AD10

Reference/Link

The link below will allow you to view/print this notice of agenda and regulatory plan.

https://www.reginfo.gov/public/do/eAgendaMain?operation=OPERATION_GET_AGENCY_RULE_LIST¤tPub=true&agencyCode=&showStage=active&agencyCd=1200&csrf_token=9EA200E87C27E7C96DC644B58B4C612F846AD7E0C0A38E8A07E98B60E69B5A42E7FA985D0DB886D771BFE8BD04AA6010B8B2

O. Commerce in Explosives; 2020 Annual List of Explosive Materials; Notice of List of Explosive Materials

Agency

Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)

Dates

Published Date: 12/23/2020

Effective Date: 12/22/2020

Summary

The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) has published a notice in the Federal Register of the 2020 List of Explosive Materials. The 2020 list remains the same as the 2019 list published by the ATF.

Please view the Final Rule to view the full list of Explosive Materials.

Reference/Link

The link below will allow you to view/print this Final Rule.

<https://www.govinfo.gov/content/pkg/FR-2020-12-23/pdf/2020-28404.pdf>